

22181. Adulteration of sodium salicylate tablets, acetanilid tablets, calomel tablets, sodium bromide tablets, acetanilid compound tablets, and strychnine sulphate tablets. U. S. v. Fraser Tablet Co., Inc. Plea of guilty. Fine, \$180. (F. & D. no. 28166. I. S. nos. 28996, 28997, 30251, 30254, 34334, 34341.)

This case was based on interstate shipments of drug tablets which upon analyses were found to contain smaller amounts of the respective drugs than declared on the label.

On November 23, 1932, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fraser Tablet Co., Inc., New York, N. Y., alleging shipment by said company, from the State of New York into the State of Connecticut, in part on March 31, 1931, and in part on June 8, 1931, of quantities of sodium salicylate tablets, acetanilid tablets, calomel tablets, sodium bromide tablets, acetanilid compound tablets, and strychnine sulphate tablets which were adulterated. The articles were labeled in part, respectively: "Tablets * * * Sodium Salicylate 5 Grains"; "Tablets * * * Acetanilid 5 grains"; "Tablets Calomel $\frac{1}{8}$ Grain"; "Tablets * * * Sodium Bromide 5 Grains"; "Tablets * * * Acetanilid Comp. N. F. Powder 5 grs. (Aulde A) (Formerly Migraine No. 3) Acetanilid $3\frac{1}{2}$ gr."; "Tablets * * * Strychnine Sulphate $1/50$ grain."

It was alleged in the information that the articles were adulterated in that their strength and purity fell below the professed standard and quality under which they were sold, as follows: Each of the sodium salicylate tablets was represented to contain 5 grains of sodium salicylate, whereas each tablet contained not more than 3.744 grains of sodium salicylate.

Each of the acetanilid tablets was represented to contain 5 grains of acetanilid, whereas each tablet contained not more than 4.502 grains of acetanilid.

Each of the calomel tablets was represented to contain one-eighth of a grain of calomel, whereas each tablet contained not more than 0.102 grain of calomel.

Each of the sodium bromide tablets was represented to contain 5 grains of sodium bromide, whereas each tablet contained not more than 4.390 grains of sodium bromide.

Each of the acetanilid compound tablets was represented to contain, among other ingredients, $3\frac{1}{2}$ grains of acetanilid, whereas each tablet contained not more than 3.133 grains of acetanilid.

Each of the strychnine sulphate tablets was represented to contain one-fiftieth of a grain of strychnine sulphate, whereas each tablet contained not more than 0.0179 grain of strychnine sulphate.

On March 2, 1933, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$180.

M. L. WILSON, *Acting Secretary of Agriculture.*

22182. Misbranding of Adium Ointment. U. S. v. Adium Products, Inc. Plea of guilty. Fine, \$200. (F. & D. no. 28190. I. S. no. 44717.)

Examination of a sample of Adium Ointment showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. Examination further showed that the article contained radioactive substances in sufficient amount to render it definitely harmful to health in some instances of use according to directions.

On or about February 16, 1933, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Adium Products, Inc., a corporation, Battle Creek, Mich. On July 1, 1933, an amended information was filed. It was alleged in the amended information that the defendant company had shipped from Battle Creek, Mich., into the State of Indiana, on or about September 8, 1931, a quantity of Adium Ointment which was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Adium * * * Active Radium Ointment Adium is a soothing, palliative, penetrating, healing ointment for use where mild Radium Therapy is indicated. * * * Adium Products, Inc. Battle Creek, Michigan."

Analysis of a sample of the article by this Department showed that it consisted essentially of mineral matter containing uranium and vanadium compounds incorporated in petrolatum. It possessed radio-activity equivalent to 4.86 millimicrograms of radium per gram.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding the therapeutic and curative effects of the article, appearing on the carton and tube labels and in a circular shipped with the article, falsely and fraudulently represented that it was effective as an active radium-ointment whereby mild radium therapy is needed to reach and act on the outer surface of the skin, to penetrate through the outer surface and upon the deeper layers, and to penetrate into the underlying tissues, resulting in exceptional and amazingly prompt healing and curative powers in the treatment of piles, hemorrhoids, sores, ulcers, pimples, itch, ringworm, tetter, warts, furunculosis (boils), acute superficial ulcers, skin irritations, wounds, skin infections, lesions, skin troubles, old sores, chronic ulcers, eczema and kindred conditions, any kind of injury or irritation, aggravated sores, many forms of skin trouble, skin eruptions, eruptions due to external causes, surface ulcers, stubborn, aggravating, long standing sores and superficial ulcers, psoriasis, scaly red patches and other skin diseases, ugly skin on legs, and effective to stimulate the natural healing forces that are inherent to all bodily tissues, to break up stagnation, and to bring new life and health to diseased tissues; to stimulate blood circulation, to relieve sluggishness and congestion; to stimulate the reparative processes and build up diseased tissues.

Misbranding was alleged for the further reason that the statements, "Safe, Harmless", borne on the tubes, the statements, "You can apply Adium as often as may be necessary without any harm to the most delicate tissues or any kind of injury or irritation", and "* * * because of its ease of application can be used in the home as safely and as easily as an ordinary salve or ointment", contained in the circulars shipped with the article, were false and misleading, since it contained a quantity of radio-active substances which would render it definitely harmful to health in some instances of use according to the directions contained in the said circular.

On February 3, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

22183. Misbranding of Sal-Vet Poultry Tonic. U. S. v. 160 Packages of Sal-Vet Poultry Tonic. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. no. 30115. Sample no. 36086-A.)

Examination of a sample of Sal-Vet Poultry Tonic showed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On June 16, 1933, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 160 packages of Sal-Vet Poultry Tonic at Denver, Colo., alleging that the article had been shipped in interstate commerce, in various consignments, between the dates of September 28, 1932, and March 24, 1933, and charging misbranding in violation of the Food and Drugs Act as amended. The records show that 18 packages of the product were shipped by the Sal-Vet Co., from Cleveland, Ohio, and that the remaining lots had been originally shipped to various consignees by parties unknown and had been rejected and reshipped to Denver.

Analysis of a sample of the article by this Department showed that it consisted essentially of crushed shells, charcoal, sodium sulphate, magnesium sulphate, iron compounds, sulphur, and small proportions of sodium nitrate, quassia, capsicum, and anise.

It was alleged in the libel that the article was misbranded in that the following statements regarding its curative and therapeutic effects, appearing in the labeling, were false and fraudulent: "A tonic which puts poultry in condition to lay, promotes growth and early moulting * * * the fowls will always take just enough of it and will doctor themselves * * * for eggs, to prevent disease * * * the fowls will doctor themselves * * * for cholera, catarrh, diarrhea, swelled head, etc. Separate the sick fowls, treat singly, using slightly larger doses."

On February 19, 1934, the Sal-Vet Co., Silver Springs, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$300, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*